

REMARKS

Claims 1 to 15 and 20 remain in the case.

With this amendment, Applicant has revised Claim 1 to make the changes most helpfully suggested by the Examiner. It is thus believed that the objection under 35 U.S.C. 112 is overcome.

Reconsideration of the rejection of the claims under 35 U.S.C. 103 is again respectfully requested since the interpretation of the prior art by the Examiner appears to be in error.

In the Office Action, the Examiner has cited Davis et al. in support of his position that lowering the pH below 5.2 controls potato scabs disease. This is not what Davis teaches.

As noted by the Examiner, the introduction to the article states that sulphur had been used to control potato scab and that the general consensus was that the disease was decreased by lowering the pH below 5.2. However, Davis's own experiment proves that such is not the case. The Examiner's attention is directed to page 38 under the Heading "Results" wherein the author states that "results did not suggest a direct influence on the pathogen by a lowering of pH". In other words, the author clearly shows that pH does not have an influence on controlling the pathogen.

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6.

Based on the above, the primary reference completely fails the test of being relevant to the Examiner's argument. Accordingly, it is believed that the claims are now in order for allowance and such action is respectfully solicited.

Respectfully,

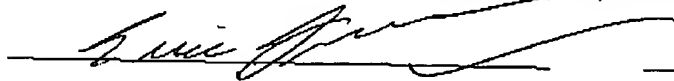


Eric Fincham

Reg. 28,201

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patents and Trademarks Office Fax No. (703) 872-9306 on the date set forth below.



Eric Fincham, Reg. 28,201

Nov 25, 2003
Date